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By ECF

December 17, 2021

Honorable Gabriel W. Gorenstein
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

In Re: *New York City Policing During Summer 2020 Demonstrations*,
No. 20 Civ. 8924 (CM) (GWG)
This filing is related to all cases

Your Honor:

I am Senior Counsel in the Office of Georgia M. Pestana, Corporation Counsel for the City of New York, and I am among counsel for the defense in the above-referenced matter. Defendants write to respectfully request a one-week extension from December 17, 2021, until December 24, 2021, to fully comply with the Court's December 7, 2021, Order (Docket # 330) to provide a proposed deposition schedule of all previously-noticed deponents by today. Defendants are in substantial compliance with the Court's Order and are now seeking an additional week to provide the remaining few proposed dates to plaintiffs. Plaintiffs consent to an additional week as to the retired officers and take no position as to the remaining four.¹ This is defendants' first request for an extension of time to comply with the Court's December 7, 2021, Order.

By way of background, since the commencement of this litigation, plaintiffs have noticed 58 fact witnesses/line officers and noticed a substantial number of high-level officials, high-level officers and 30(b)(6) witnesses. Over the summer, we were defending, on average, five to six

¹ Specifically, plaintiffs state, "[i]t is Plaintiffs' position that the Defendants have violated the Court's Order by not providing all the deposition dates by December 17, 2021, and not making an application with enough time to comply should the Court deny the application. Further, the proffered explanations for this failure are insufficient. Eight out of the 12 people who cannot be scheduled still work for the City of New York, and thus should be able to adequately communicate their availability to the City's counsel, the Law Department. For the four retired officers, it is unclear what steps were taken to obtain their availability. But Plaintiffs still need deposition dates, and it is apparent that Defendants cannot timely provide them. Thus, Plaintiffs consent to giving the Defendants an extra week to rectify this failure as to the four retired officers. And Plaintiffs take no position as to the rest, since Defendants have provided no explanation whatsoever for their inability to follow the Court's directions."

depositions per week to get the depositions completed as quickly as possible. To date, 45 officer depositions have been completed, and an additional seven have been calendared. We have had at least 25 different attorneys defending these depositions.

As per the Court's Order dated December 7, 2021, defendants have provided plaintiffs a proposed deposition schedule for the deponents who were noticed on or before September 28, 2021. As of today, defendants were able to provide proposed dates for 37 deponents. Defendants have thus far been unable to reach two retired officers, one officer who is retiring, one current officer and have been unable to identify two others by helmet number. Thus, defendants respectfully request an extension of an additional week to provide plaintiffs with the remaining proposed deposition dates for these officers.

Thank you for your consideration herein.

Respectfully submitted,

Amy Robinson s/

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cc: ALL COUNSEL (via ECF)